

Application No.: 09/348,494
Old Attorney's Docket No. 040070-244
New Attorney's Docket No. 0119-016
Page 11

REMARKS

Claims 3-12 and 14-19 remain pending in the application. Claims 3, 5-12, 14, and 16-19 have been amended without introduction of new matter. Favorable reconsideration is respectfully requested in view of the above amendments and the following remarks.

The allowance of claims 3-5 and 14-16 is again noted with appreciation. In reviewing the claims, Applicants have discovered an error that had been introduced in claims 14 and 16 by way of an earlier amendment. In particular, in rewriting these claims in independent form, these claims were amended to recite "processing radio signals from the **first** antenna in a second radio frequency processing circuit," when they should have recited "processing radio signals from the second antenna in a second radio frequency processing circuit." Accordingly, this minor change has been made to claims 14 and 16. Claims 3 and 5 have also been amended to correct a typographical error, namely the omission of the word "said" immediately prior to the second recitation of "second antenna". These corrections are not believed to affect the patentability of these claims.

The typographical error discovered in claims 3 and 5 has also now been found in claims 6-12. Accordingly, these claims have also been amended to now recite "a second radio frequency processing circuit receiving and processing signals from said second antenna"

Claims 6-12 and 17-19 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the Applicant's admitted prior art (identified in earlier office actions as Figure 3 of Applicants' specification) in view of Lee (US 5,818,543). This rejection is respectfully traversed.

Figure 3 of Applicants' specification depicts a diversity communication system, such as the IMT 2000 system. In Figure 3, a first antenna 310 receives radio signals that are provided to a first RF processor 330, and a second antenna 312 receives radio signals that are provided to a second RF processor 332. The RF processors 330, 332 produce respective intermediate signals that are provided to a base band processor 340.

As explained on page 5, lines 21-27 of Applicants' specification, "Although antenna diversity may be needed in some situations, there will be other cases where the radio environment allows perfectly adequate performance without diversity. If diversity is implemented such as shown in Figure 3, the mobile station ends up spending power on the diversity processing whether necessary or not. This leads to shorter operating time for

Application No.: 09/348,494
Old Attorney's Docket No. 040070-244
New Attorney's Docket No. 0119-016
Page 12

battery operated devices that could have been achieved without the power consumption in the diversity chain.”

Independent claims 6-12 and 17-19 have each been amended to even more clearly define that “the first radio frequency processing circuit comprises active circuitry,” “the second radio frequency processing circuit comprises active circuitry,” and that “a base band processing circuit receiv[es] processed radio frequency signals from said first radio frequency processing circuit and from said second radio frequency processing circuit for diversity, and provid[es] a control signal to said second radio frequency processing circuit to selectively activate and deactivate active circuitry in said second radio frequency processing circuit based on a determination as to whether diversity is appropriate.” In this way, the problem of unnecessary power consumption associated with unnecessary processing in the unused diversity chain is avoided. Support for this amendment may be found, for example, in Figure 4 of the application, wherein a control signal turns second RF processor 422 on or off. On page 8, lines 17-19, it is explained that the second RF processor 422 performs radio frequency processing such as down conversion into a base band signal. Therefore, it is at least inherent that the second RF processor 422 includes active circuitry.

The Office acknowledges that Applicant's admitted prior art at least fails to disclose “a base band processing circuit receiving processed radio frequency signals from the first radio frequency processing circuit and from the second radio frequency processing circuit for diversity,” and relies on Lee as making up for this deficiency. However, Lee fails to disclose selectively activating and deactivating active circuitry in a radio frequency processing circuit, as now recited in Applicant's rejected claims. Instead, Lee shows the conventional approach of merely switching between antennas. It is well-known that an antenna is not an active circuit component.

It is further noted that Applicants' admitted prior art also fails to disclose selectively activating and deactivating active circuitry in either of the radio frequency processing circuits.

Therefore, the Office has failed to make out even a *prima facie* case of obviousness, since one of the necessary criteria for an obviousness rejection is that the references, when combined, must teach or suggest all of the claim limitations. See, e.g., MPEP §2143 at page 2100-129 (Rev. 2 May 2004).

Application No.: 09/348,494
Old Attorney's Docket No. 040070-244
New Attorney's Docket No. 0119-016
Page 13


Nor is there any motivation to be found in the prior art of record for modifying the references to arrive at the embodiments now defined by the rejected claims.

Accordingly, claims 6-12 and 17-19 are believed to be patentably distinguishable over the prior art of record for at least the foregoing reasons. It is therefore respectfully requested that the rejection of these claims under Section 103 be withdrawn.

The application is believed to be in condition for allowance. Prompt notice of same is respectfully requested.

Respectfully submitted,
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